RESEARCH INSTITUTE

RESEARCH PRESENTS

"Governing 'Good Science':
The Language of Health Risk
and Sound Medical Practice in
Texas Abortion Legislation."

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SOCIOLOGY

On June 27, 2016 the Supreme Court struck down Texas House Bill 2, finding two of its provisions unconstitutional: a requirement that abortion clinics to meet the physical standards of an ambulatory surgical center and that doctors who perform abortions to have admitting privileges at a hospital near the clinic. Constitutionally, states may not impose laws or "unnecessary health regulations" that create a "substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability" (Planned Parenthood v. Casey, 505 U.S. 833 1992). But H.B.2 and similar laws reveal a new debate among lawmakers, health professionals, and activists: what constitutes a "necessary" health regulation and who has the expertise needed to decide? Unlike the prominent abortion debates of the past, H.B.2 and similar legislation specifically address the health risk abortion poses to the abortion seeker herself. I ask how this language of using "good science" to prevent health risk is used in Texas's legislation and how it can be understood in terms of medical and legal control of women through the authority of scientific expertise.

